IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8433 of 2004

Shri Krishna Pundalik Patil ..Petitioner

vs.

1. The State of Maharashtra
and others ..Respondents

Shri N.V.Bandivadekar for petitioner
Shri V.P.Malvankar, A.G.P. for respondents.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
25th OCTOBER, 2004

P.C.

1. Heard Advocates.

2. On 3rd June,1970 the petitioner came to be appointed as Head Master. The petitioner was issued a chargesheet on 27th May, 1974 in respect of various charges of misconduct alleged to be committed by the petitioner. The petitioner came to be placed under suspension and disciplinary proceedings were initiated against him. Subsequently, the petitioner came to be terminated from service. The petitioner filed a civil suit challenging the termination. The suit was dismissed by the Trial Court. In appeal, District Court directed that termination was illegal and the petitioner is entitled to be reinstated in service. Being aggrieved respondent no.4 management filed

Second appeal No.329 of 1989 in this Court. During pendency of the second appeal the petitioner attained the age of superannuation on 31st January, 1993.

3. The second appeal was disposed of by the learned single Judge in terms of the consent terms filed by the parties. As per the consent terms the order of reinstatement passed by the District Court was set aside and the petitioner was held entitled to damages from respondent no.4 in the sum of Rs.2,00,000/- for his wrongful dismissal from service. This amount was payable to the petitioner in instalments. There is no dispute that the amount of damages has been duly paid by respondent no.4 to the petitioner.

4. The only question that falls for consideration is whether the petitioner is entitled for pension. The petitioner has rendered only four years service. The order of reinstatement which was passed in his favour by the District Court was set aside by consent of the parties and he was held to be entitled to damages in lieu of reinstatement. As the petitioner has not rendered requisite qualifying service he is clearly not entitled to pension.

5. In the result, petition is dismissed.